

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND COMMERCE**

**Call to Order:** By **CHAIRMAN DICK HAINES**, on January 29, 2001 at 8:30 A.M., in Room 317-C Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Dick Haines, Chairman (R)  
Sen. William Crismore, Vice Chairman (R)  
Rep. Christine Kaufmann (D)  
Sen. Linda Nelson (D)  
Sen. Bill Tash (R)  
Rep. Joe Tropila (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Becky Beckert-Graham, OBPP  
Gary Hamel, Legislative Branch  
Amber Sauer, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: Fish, Wildlife and Parks, Law  
Enforcement Division,  
Conservation Education Div.,  
Department Management  
1/26/2001

Executive Action: Fish, Wildlife and Parks, Law  
Enforcement Division

**{Tape : 1; Side : A; Approx. Time Counter : 0}**

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#### **HEARING ON FISH, WILDLIFE AND PARKS**

#### **LAW ENFORCEMENT DIVISION**

**Ms. Beate Galda, Administrator, Enforcement Division, Fish, Wildlife, and Parks (FWP), and Mr. Mark Earnhardt, Program Manager, Enforcement Division, FWP,** gave an overview of the agency and distributed information.

**EXHIBIT(jnh23a01)**

**Mr. Earnhardt** stated the majority of the 102.43 FTE's are field force with 92 full time sworn officers. They are the frontline defense of Montana's wild and cultural resources. He went over the major program functions, the proportion of field activity and a breakdown of the number of violations and fines involved from 1994 through 1999. He reported that in a recent survey, Montanan's indicated they were very satisfied with the fair and equitable enforcement of Fish Wildlife and Parks (FWP) regulations. He stated the law enforcement officers work together especially in the small rural communities where there is such a small force. He listed the miscellaneous duties and stressed the increasing workload due to the increases in hunter days, non-resident anglers, commercial activity, etc. There is a large amount of conflict management in boating on both the lakes and rivers. Search and rescue is managed out of Sheriff's offices but the wardens help if necessary. There is a large amount of overtime due to the type of work and he distributed a full report on the overtime. A committee comprised of both management and union looked at the increasing workload issue and determined it would be better handled by increased overtime of current wardens than to add FTE.

**EXHIBIT(jnh23a02)**

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**Public Testimony**

**Mr. Chris Anderson, Chairman, Montana Game Warden Union,** representing 58 field game wardens, testified on behalf of the overtime requests. He stated the request presented in the budget was the result of many hours of work and study. An example of the increasing workload is the statistic that in 1999 over 800 calls were received on bear and mountain lions in the Missoula Region resulting in 156 captures and relocations. He stated there are no longer slow times in the job to be able to use compensatory time as in the past.

**Ms. Beate Galda, Administrator, Enforcement Division,** explained the overtime request further.

**{Tape : 1; Side : A; Approx. Time Counter : 310}**

**Mr. Gary Hamel, LFD Representative,** began with the first DP which is the warden overtime compensation (DP-402). The request is for \$197,000 each year of the biennium for holiday pay, emergency responses, and peak work load seasons. **Mr. Hamel's** issue is that it seems to replace base adjustment redirections to fund the alternative pay plan. **Mr. Earnhardt** stated this is some backfill of pay funds but at the same time the overtime issue has increased. The redirection of funds is listed on Table 16 on page C-34 of the LFD Book. Last biennium \$14,264 in general funds was expended for overtime with \$145,500 total overtime being paid. **Mr. Hamel** stated the Governor Martz budget shifted \$10,000 of the current request from general fund to state special.

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**Motion:** SEN. CRISMORE moved that DP-402 WARDEN OVERTIME COMPENSATION BE ADOPTED.

**Discussion:** There was further discussion on the overtime issue especially regarding the overtime cap that has been set at 100 hours.

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**Mr. Hagener, Director, FWP,** added the union and management have worked extensively over the last two years to resolve the overtime issues, retirement and pay plans. The committee continued with discussion on the overtime pay. **CHAIRMAN HAINES** asked how the overtime hours are tracked. **Mr. Hagener** responded immediate supervisors keep that information. He added the game wardens did receive an increase in pay with the alternative pay plan.

**{Tape : 1; Side : B; Approx. Time Counter : 110}**

**Motion/Vote:** SEN. CRISMORE moved that DP-402 WARDEN OVERTIME COMPENSATION BE ADOPTED. Motion carried unanimously.

**Mr. Hamel** continued with DP-404 which is Alternative Livestock Environmental Review. This is a request to fund contracted environmental assessment and environmental impact statements evaluating applications for alternative livestock licenses. It is a technical adjustment required by the computer system. He stated the original LFD issue was that due to I-143 the decision

package was not needed as it placed a moratorium on the ability to establish new alternative livestock operations or transfer existing operations. However, in visiting with the department, it was determined some existing alternative livestock operations may need modifications and funds would be necessary in the base. Therefore, the request has been reduced from a \$208,000 biennial appropriation to \$96,000 biennially. **Mr. Earnhardt** commented on the DP stating there are 81 in operation and 9 in the building process for a total of 92 facilities that will need to be monitored, and he fully explained the figures. There was further discussion on the 9 facilities currently not up and in operation yet and on the types of alternative livestock farms currently in operation. The majority of farms at this time are elk farms.

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**Motion/Vote:** SEN. CRISMORE moved that DP-404 ALTERNATIVE LIVESTOCK ENVIRONMENTAL REVIEW ONE-TIME-ONLY AND RESTRICTED BIENNIAL APPROPRIATION BE ADOPTED. Motion carried unanimously.

**Mr. Hamel** discussed DP-406 Criminal Investigation Section to restore previous levels of funding to the section for investigations of major violations such as illegal introductions of wildlife, unlawful commercialization of wildlife, and gross willful destruction of wildlife resources. The issue was that the fund requests seem to be offsetting the reductions for the alternative pay plan. **Mr. Earnhardt** explained the reductions for the alternative pay plan did not come from this section but rather from the centralized funds. The current request restores the operating base from previous years. He stated the cases are becoming more complex and more expensive but are more productive in apprehending severe criminal activity. There was discussion about the amounts of fines and where the funds are used. **Ms. Galda** stated the fines go to the county and state levels but not to the agency itself.

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**Motion/Vote:** SEN. NELSON moved that DP-406 CRIMINAL INVESTIGATION SECTION BE ADOPTED. Motion carried unanimously.

**Mr. Hamel** presented DP-407 which is Warden Reserve/Temp Help to hire temporary assistance for data entry and retired wardens for temporary work performed during peak seasons. The LFD issue is that DP-414 is requesting a reduction in funding for day entry due to efficiencies generated by the automated license system and would suggest this additional data entry staff is not necessary.

**Mr. Earnhardt** explained DP-407 and DP-414 are for two different areas. In fiscal 99, \$20,000 was expended.

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**Motion/Vote:** SEN. NELSON moved that DP-407 WARDEN RESERVE/TEMP HELP BE ADOPTED. Motion carried unanimously.

**Mr. Hamel** discussed DP-408 Regulation Distribution which is a request to support printing, handling, and mailing of department rules and regulations. **Mr. Earnhardt** considered this the best form of education to encourage the public to follow the regulations. There was some discussion about using the internet for this information to avoid mailing costs.

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**Motion/Vote:** SEN. CRISMORE moved that DP-408 REGULATION DISTRIBUTION BE ADOPTED. Motion carried unanimously.

**Mr. Hamel** moved on to DP-412 Field Operations Adjustment to restore the field operations base budget to previously authorized levels. The expenditures of the past biennium reflects an amount less than usually necessary. **Mr. Hamel's** issue is that it appears to replace funds redirected to fund the alternative pay plan. **Mr. Earnhardt** explained the level of operation was not at full capacity during the last biennium. They are also expecting some retirements and relocation of wardens.

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**Motion/Vote:** SEN. TASH moved that DP-412 FIELD OPERATIONS ADJUSTMENT BE ADOPTED. Motion carried unanimously.

**Mr. Hamel** stated DP-413 is the Alternative Pay Plan which had been completed earlier. DP-414 is Data Entry Savings/Reduction to accommodate savings resulting from data-entry efficiencies. This will be a savings of \$19,041 in 2003.

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**Motion/Vote:** SEN. NELSON moved that DP-414 DATA ENTRY SAVINGS/REDUCTION BE ADOPTED. Motion carried unanimously.

**Mr. Hamel** continued that DP-415 Travel Adjustment for Law Enforcement and DP-410 Legislative Contract Authority had been completed earlier. The new proposal DP-411 Regional

Investigator/CARA was withdrawn by the department. The last action necessary was to approve the language.

***{Tape : 2; Side : A; Approx. Time Counter : 235}***

**Motion/Vote:** REP. TROPILA moved that LANGUAGE AS FOLLOWS BE ADOPTED. Motion carried unanimously.

- 1) "Item 4a legislative contract authority (LCA) is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item in HB 2 and must be requested as a new proposal to be continued into the 2003 biennium. LCA applies only to federal funds."
- 2) "Item 4b contains a biennial appropriation of \$96,000 for game farm environmental assessment/environmental impact statement."

**CHAIRMAN HAINES** closed the hearing on the Law Enforcement Division.

***{Tape : 2; Side : A; Approx. Time Counter : 255}***

**CONSERVATION EDUCATION DIVISION**

**Mr. Ron Aasheim, Administrator, Conservation Education Division,** gave an overview of the agency and distributed information for the committee.

**EXHIBIT (jnh23a03)**

He stated the division's philosophy is to perpetuate, preserve and maintain opportunities for this and future generations. There are six regions in the state responsible for taking the lead in the information and education efforts. Additional information and education was a high priority by the Montana people--what is being done with the funding. The Division is no longer managing just the resources of Montana but more and more are dealing with the people of Montana which is an indication the public wants to be involved. Over one-third of Montanans hunt or fish, one-third visit the parks, and more than one-third travel to view wildlife. Public opinion needs to be on the side of FWP. The Conservation Education Division acts as the messenger to get information to the public they can understand.

**Mr. Aasheim** continued the information per exhibit 3. **Montana Outdoors** is the magazine for FWP has been existence for 72 years with 42,000 subscribers and approximately 150,000 readers.

**EXHIBIT(jnh23a04)**

They send out newsletters to education instructors, license agents, and to all organized sporting clubs in Montana. Brochures are used to provide information consistently requested and to answer questions consistently asked. They also publish an annual report. **Mr. Aasheim** stated they use radio, public service announcements, weekly television reports, and video documentaries. The newest video, "No Need for a Saturday Night," is being distributed with a teacher's guide to all schools and libraries in Montana. It is a tribute not to FWP but to Montana. The Division also has information booths at fairs, malls and annual meetings and conventions of a variety of interest groups. The Division makes it a priority to communicate internally with employees.

**Mr. Aasheim** continued the Division does more in education of youth than any other one group. They have alliances or partnerships with dozens of groups around Montana. They have the responsibility for five recreation safety/education programs which are Hunter Education; Bowhunter Education; Remedial/Continuing Hunter Education; Trapper Education; and Snowmobile, Boating and Off Highway Vehicle Education.

**{Tape : 2; Side : B; Approx. Time Counter : 0}**

**Mr. Aasheim** spoke about the regulations production, shooting range grants administration, the animal shelter for orphaned and injured animals, and the FTE's and budgets.

**CHAIRMAN HAINES** asked that DP-805 and DP-804 be delayed to another meeting.

**{Tape : 2; Side : B; Approx. Time Counter : 50}**

**EXHIBIT(jnh23a05)**

**Mr. Hamel** moved to the Decision Packages (DP). DP-808 Alternative Pay Plan Adjustment had been completed; therefore, **Mr. Hamel** moved on to new proposals. DP-801 Spring Meadow Wild Animal Rehabilitation Center is a request for funds to operate and maintain a wild animal rehabilitation center approved by the 1995 Legislature. He gave some background on the project. It will be relocating the animal shelter to FWP's Spring Meadow Lake

State Park in Helena. The LFD comment is that funds were appropriated in the 1995 Legislature with no intent to encumber any future legislature with regard to further phases of the project. **Mr. Aasheim** added the caring for orphaned and injured wildlife is part of a FWP mandate. The facility at Custer Avenue is unsanitary, overcrowded, and does not meet standards. There has been local interest and local dollars generated for the project. The request is for the .4 FTE and operations only of the shelter.

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**Public Testimony**

**Mr. Kelly Kuntz, Chairman, Mikal Kellner Foundation for Animals, Helena,** testified in support of the animal shelter. He stated it made sense to partner with the public entity of FWP to care for orphaned and injured wildlife and return them to their natural habitat. This also follows with their mission. He stated hundreds of school children visit the shelter particularly in the spring. The new facility will take this educational process into consideration. **SEN. TASH** asked about the buildings at the shelter for the different animal needs such as hibernating bears. **Mr. Kuntz** stated they have a mobile box to accommodate the bears in hibernation and relocate them while they are asleep. When they wake up they are back in a den and not at the facility. He added animal waste is a problem at Custer Avenue. There was further discussion regarding rehabilitation of the orphaned and injured animals versus using the funds for a whole species. One example **Mr. Kuntz** gave was the mother bear shot during hunting season leaving three cubs behind; the cubs need to be taken care of or they will die. They also discussed the proposed facility further.

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**Mr. Aasheim** stated it is determined if an animal can be rehabilitated and if not, it is destroyed without a great deal of funds being spent on it. The Division walks a fine line between what is good for the animal and what is accepted by the public. They also use animals that will not be able to be returned to the wild as "ambassador animals" until they are destroyed. However, it will not become a zoo.

**Ms. Shirley Gannon, Founder, Mikal Kellner Foundation for Animals,** stated they are not against hunting but are not in favor of destroying orphaned bear cubs who could survive with a little help.



*{Tape : 3; Side : A; Approx. Time Counter : 0}*

**Motion/Vote:** SEN. TASH moved that DP-801 SPRING MEADOW WILD ANIMAL REHABILITATION CENTER BE ADOPTED. Motion carried unanimously.

Mr. Hamel presented DP-802 Aquatic Ed Program/Family Fishing. This was a request to continue an enhanced aquatic education program. He commented they may want to restrict spending and /or designate the expenditure as one-time-only. Mr. Earnhardt stated they are requesting authority to spend federal dollars specifically for aquatic education. They spend time with teachers to promote families becoming involved in fishing. They have the "Hooked on Fishing, Not On Drugs" program. Last year 500 teachers became involved, had 143 teachers go back to the classroom with the information and had 26,000 participants in clinics held throughout the state. He read several comments the Division has received regarding the program.

**EXHIBIT** (jnh23a06) and **EXHIBIT** (jnh23a07)

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**Motion/Vote:** REP. TROPILA moved that DP-802 AQUATIC ED PROGRAM/FAMILY FISHING RESTRICTED BE ADOPTED. Motion carried unanimously.

Mr. Hamel discussed DP-803 Remedial/Continuing Hunter Education requests general license dollars of \$60,000 per fiscal year to continue the implementation phase of remedial and continuing hunter education courses approved by the 1999 session. This is for violators of certain hunting regulations re-education of the regulations. The 1999 session requested FWP to issue a report to the 2001 session on the stage of development of the remedial hunter education program. Mr. Aasheim distributed the report for the committee's review and a memo about fines levied for illegal trophy hunting. The program will be ready in July, 2001.

**EXHIBIT** (jnh23a08) and **EXHIBIT** (jnh23a09)

The first \$60,000 paid in restitution goes to implement the program with anything above that going to the general fund. The participants will have to pay for attendance in the program. It is a unique program that is to help the violator see the wrongfulness of his act. Mr. Aasheim stated they have a CD on bears that every bear hunter may be required to view on identifying bears to avoid shooting the wrong species. The committee discussed a one-time-only appropriation so the Division

would need to report back to the new legislature. It was decided one-time-only was not necessary since it was mandated by the 1999 legislature that FWP offer the program.

***{Tape : 3; Side : A; Approx. Time Counter : 225}***

**Motion/Vote: SEN. CRISMORE** moved that **DP-803 REMEDIAL/CONTINUING HUNTER EDUCATION BE ADOPTED. Motion carried unanimously.**

**Mr. Hamel** continued with DP-804 Shooting Range Grants Enhancement program which is postponed to a later date. DP-807 Legislative Contract Authority had been completed. DP-809 is the Youth Magazine/CARA funding request to utilize CARA funding to replace and supplement license dollars currently used to provide a conservation magazine for youth in Montana schools. **Mr. Hamel** suggested the committee may wish to postpone action on this until it becomes more certain that CARA funding can be obtained. **Mr. Earnhardt** stated in a recent survey teachers responded favorably to the Magazine. The Division would like to expand the program from fourth graders only to include fifth graders also. There was further discussion on the CARA funding coming through or not.

***{Tape : 3; Side : A; Approx. Time Counter : 315}***

**Motion/Vote: SEN. TASH** moved that **DP-809 YOUTH MAGAZINE/CARA FUNDING BE ADOPTED. Motion carried unanimously.**

**Mr. Hamel** concluded with the language recommendations would be postponed until the shooting range grants were acted upon.

***{Tape : 3; Side : A; Approx. Time Counter : 420}***

#### **DEPARTMENT MANAGEMENT**

**Mr. Chris Smith, Chief of Staff, FWP,** provided an overview of the Department Management Division and its responsibilities.

#### **EXHIBIT (jnh23a10)**

Department Management is a division within FWP that provides funding for a number of centralized agency management functions. It includes the Director's Office as well as staff in the field offices. **Mr. Smith** stated the functions of the Department, the structure, the regional operations in the seven regions, the funding sources, the many accomplishments, and the priorities. The functions include such items as setting department policy; interaction with Fish, Wildlife and Parks Commission; serve as a liaison with the Governor's Office and the Legislature; and

maintain a liaison with Montana's Indian tribes and other state and federal agencies.

**{Tape : 3; Side : B; Approx. Time Counter : 0}**

In the organizational structure the Fish, Wildlife and Parks Commission works with the Director. **Mr. Smith** distributed information on the Responsive Management Unit and discussed its function which is to allow FWP to stay in better communication with their constituents.

**EXHIBIT(jnh23a11)**

**Mr. Smith** cited a list of the Responsive Management Unit's accomplishments completed during 2000. He stated they had restructured the unit somewhat for more efficient operation with less FTE. The Unit has implemented a survey to assess general customer satisfaction to go out to all households, not just hunters.

**EXHIBIT(jnh23a12)**

There are seven regions in the Division with regional offices in Kalispell, Missoula, Bozeman, Great Falls, Billings, Glasgow, and Miles City with additional area offices in Butte, Helena, Lewistown and Havre to try to increase the accessibility of the staff to the public. **Mr. Smith** is proposing to keep the pool of federal funds in the Division until they see which agencies need it the most and then draw on it as needed. Department Management is primarily a holding place for federal authority and nearly all of the federal funds go to other departments.

A few of the accomplishments of the agency include instituting the Alternative Pay Plan based on market, competencies and performance; negotiating the proposed Big Horn flow management plan; and resolving the bison management dispute with the federal government. In closing, **Mr. Smith** went over the priorities for the 2002-2003 biennium per exhibit 10. **REP. TROPILA** asked what the percent of return is on surveys. **Mr. Smith** stated they get 30-40% response rate.

**CHAIRMAN HAINES** closed the hearing with executive action to be taken at the next meeting.

**ADJOURNMENT**

Adjournment: 11:45 A.M.

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REP. DICK HAINES, Chairman

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SANDRA WHITAKER, Transcription  
Secretary

DH/SW

**EXHIBIT** (jnh23aad)